

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 16-18 and 20 are pending in this application. Claims 16-18 are amended and new Claim 20 is added by the present amendment. No new matter is added.

In the outstanding Official Action, Claim 16 was rejected under 35 U.S.C. §101 and Claims 17 and 18 were rejected under 35 U.S.C. §112, second paragraph. Claims 16-18 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1-4 of U.S. Patent No. 6,560,405.

With regard to the rejection of Claim 16 under 35 U.S.C. §101, that rejection is respectfully traversed.

Amended Claim 16 recites “An information storage medium embodied as a recordable optical disc for use with an optical disc drive, wherein the recordable optical disc physically comprises a lead-in area located near a center of rotation of the disc, and data and control information areas located outside of the lead-in area, said recordable optical disc including sectors for storing recorded information which includes control information and audio/video data having one or more still picture objects.”

In the invention recited in Claim 16, a unique data structure of the control information is predetermined independently of the audio/video data, and a specific physical pattern of the claimed control information is fixed on the claimed disc. It is respectfully submitted that the resultant pattern of the control information physically fixed on the disc is a material part of the physical feature of the claimed disc. Accordingly, it is respectfully requested that the rejection of Claim 16 under 35 U.S.C. §101 be withdrawn.

With regard to the rejection of Claims 17 and 18 under 35 U.S.C. §112, second paragraph, Claim 17 is amended to recite “generating the audio/video data” and “generating

the control information.” Claim 18 is amended to recite “reproducing the audio/video data from the data area based on the reproduced control information.” Accordingly, Claims 17 and 18 are in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the non-statutory double patenting rejection of Claims 16-18 over Claims 1-4 of U.S. Patent No. 6,560,405, that rejection is respectfully traversed in light of the terminal disclaimer submitted herewith.

The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

New Claim 20 is supported at least by Claim 18. As new Claim 20 recites “a second reproducer configured to reproduce the audio/video data from the data area based on the control information reproduced by the first reproducer,” it is respectfully submitted that new Claim 20 is in compliance with all requirements under 35 U.S.C. §112, second paragraph, and is thus allowable.

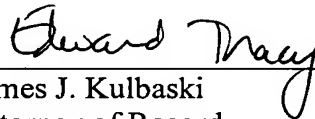
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Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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